

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OLGA A. SAHAN,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

Civil Action No. 05-11622 MLW

**Notice of Plaintiff Olga A. Sahan's Inability to Consummate Settlement
and Request to Re-Open Proceedings**

Now comes Plaintiff Olga A. Sahan pursuant to this Court's Settlement Order of Dismissal dated July 5, 2007 (Document No. 24) and hereby notifies the Court that settlement has not been consummated within the 60 days prescribed by said Order and respectfully requests the Court to re-open proceedings in this case for the limited purpose only of allowing the parties to resolve this matter through Court approval of the settlement.

In support of this Notice and Request, Plaintiff states:

1. The parties reached a settlement of Plaintiff's claims and executed a confidential FLSA Settlement Agreement and Release.
2. Because Plaintiff's action and claims arise under the FLSA, the parties' settlement must be approved by the Court and approval must be entered as a stipulated final judgment.
3. Because of this requirement of court approval, Defendant has required as a condition of settlement that the FLSA Settlement Agreement and Release and order of dismissal and stipulated judgment be filed under seal and subject to impoundment.

4. On August 14, 2007, Plaintiff filed a Motion pursuant to Local Rule 7.2 and U.S.D.C. CM/ECF Administrative Procedures I(1)(a) seeking an order of impoundment and permission to file under seal the parties' Joint Motion for Approval of Confidential Settlement Agreement and Entry of Stipulated Judgment. Defendant has not opposed said Motion.

5. To date, the Court has not acted on Plaintiff's Motion for an order of impoundment, which has prevented the parties from submitting under seal the Joint Motion for Approval of Confidential Settlement Agreement and Entry of Stipulated Judgment, as well as the confidential FLSA Settlement Agreement and Release which must be reviewed and approved by the Court.

WHEREFORE, Plaintiff respectfully requests that this Court re-open these proceedings to permit the parties to consummate settlement by:

1. Allowing Plaintiff's Motion for an Order of Impoundment,
2. Filing the Joint Motion for Approval of Confidential Settlement Agreement and Entry of Stipulated Judgment,
3. Having the confidential FLSA Settlement Agreement and Release reviewed and approved by the Court, and
4. Entering the parties' Stipulation and Order Approving Settlement, Placing Settlement and Its Terms Under Seal, and Dismissing the Case With Prejudice.

Respectfully submitted,

PLAINTIFF OLGA A. SAHAN
By Her Attorneys,

/s/ Justine H. Brousseau

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Dated: August 29, 2007

Certificate of Service in Accordance With Local Rule 5.2(b)

I, Justine H. Brousseau, hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Justine H. Brousseau

Justine H. Brousseau, Esq.

Certificate of Compliance in Accordance With Local Rule 7.1(a)(2)

I, Justine H. Brousseau, hereby certify that on the 29th day of August, 2007, I conferred with Defendant's counsel of record in a good faith attempt to resolve or narrow the issues that are the subject of this Motion. Defendant's counsel of record has reviewed this Motion and indicated that they will not oppose it.

/s/ Justine H. Brousseau

Justine H. Brousseau, Esq.